



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,063	04/13/2004	Renate Fruchter	S03-359	6079
30869 7590 03/11/2008 LUMEN PATENT FIRM, INC. 2345 YALE STREET SECOND FLOOR PALO ALTO, CA 94306				
EXAMINER CAMPBELL, JOSHUA D				
ART UNIT 2178		PAPER NUMBER		
MAIL DATE 03/11/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/824,063

Applicant(s)

FRUCHTER ET AL.

Examiner

JOSHUA D. CAMPBELL

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-12 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

1. This action is responsive to communications: Amendment filed 12/12/2007.
2. Claims 1-12 are pending in this case. Claims 13-20 have been cancelled.

Claim 1 is an independent claim. Claims 1-4 and 7 have been amended.

3. The objection of claim 10 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim has been withdrawn due to the amendment of claim 7.

4. The objection of claims 3 and 4 as being allowable if rewritten in independent form has been withdrawn due to the amendment of the claims. These claims now stand rejected.

Allowable Subject Matter

5. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 112

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

8. Claim 3 recites the limitation including the phrases "sketch object common base timestamp" and "keyword common base timestamp" in lines 3 and 4. There is insufficient antecedent basis for this limitation in the claim. These phrases are defined in claim 2. In order to overcome this rejection, the examiner recommends changing the dependency of claim 3 from claim 1 to claim 2. In order to further prosecution, the examiner has interpreted the claim limitation to state, "...comparing a timestamp of a sketch object with a timestamp of a keyword associated with the starting point; and." If the dependency of the claim is changed, the claim will be objected as being allowable along with claim 2. If the examiner's interpretation is used to amend the claim it will remain objected under 35 U.S.C. 103(a) as shown below.

Claim Rejections - 35 USC § 103

9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

10. Claims 1 and 3-12 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Smith et al. (hereinafter Smith, US Patent Number 7,096,416, filed October 30, 2000) in view of Weber et al. (hereinafter Weber, US Patent Number 5,564,005, issued on October 8, 1996).

Regarding independent claim 1 and dependent claims 11 and 12, Smith discloses simultaneously capturing a static media activity and media information, wherein the static media consists of one or more media objects and the media information consists of audio data (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Smith discloses transcribing the audio file that includes associating timestamps with keywords or phrases within the transcript (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Smith discloses that all of the timestamps are converted to a scaled common time base and a selection of a starting point is made, then based on that point the static media objects, audio file, and transcript are synchronized (offset) based on the common time base (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith). Once the synchronization is complete the multimedia presentation can be replayed from the starting point (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith).

Smith does not disclose that the static media objects are specifically sketching activity objects. However, Weber discloses a method in which a sketching activity that includes sketching objects is recorded and timestamped to be used for multimedia synchronizations (column 4, line 33-column 7, line 20 of Weber). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Smith with the teachings of Weber because it would have provided a more advanced method of presenting and modified user generated sketching events.

Regarding dependent claims 3, Smith discloses synchronously displaying metadata objects corresponding to audio data based on the timestamps in the transcript of the keywords in the audio file (column 4, line 56-column 6, line 7 of Smith). Smith discloses replaying the activity and said media information starting from the latest metadata object before said transcribed keyword (column 1, line 66-column 2, line 22 and column 4, line 56-column 6, line 7 of Smith).

Smith does not disclose that the static media objects are specifically sketching activity objects. However, Weber discloses a method in which a sketching activity that includes sketching objects is recorded and timestamped to be used for multimedia synchronizations (column 4, line 33-column 7, line 20 of Weber). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Smith with the teachings of Weber because it would have provided a more advanced method of presenting and modified user generated sketching events.

Regarding dependent claim 4, Smith discloses synchronously displaying text corresponding to audio data (column 4, line 56-column 6, line 7 of Smith).

Regarding dependent claim 5, Smith does not disclose importing a background image that the sketching activity annotates. However, Weber discloses that the background image that the sketching activity annotates is imported (column 4, line 33-column 7, line 20 of Weber). It would have been obvious to one of ordinary skill in the art at the time the invention was made to have combined the teachings of Smith with the teachings of Weber because it would have provided a more advanced method of presenting and modified user generated sketching events.

Regarding dependent claims 6-10, Smith discloses that the multimedia presentation is indexed and stored in a database and distributed via real time streaming over the Internet, at which point it is viewed by the user via a graphical interface, both of which are maintained by the server computer (column 3, line 61-column 4, line 55 of Smith).

Response to Arguments

11. Applicant's arguments filed 12/12/2007 have been fully considered but they are not persuasive. The applicant has argued that by including limitations of claim 2 the claim is now allowable. The examiner indicated that claim 2 if rewritten in independent form including all of the limitations of the base claim (claim 1) would be allowable. Newly amended claim 1 does not remotely resemble the claim 2 rewritten in

independent form including all of the limitations of the base claim (claim 1). Thus, the claim is not allowable at this time. Thus, the rejection above remains proper.

Conclusion

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOSHUA D. CAMPBELL whose telephone number is (571)272-4133. The examiner can normally be reached on M-F (7:30 AM - 4:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2178

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/J. D. C./
Examiner, Art Unit 2178
February 19, 2008

/Stephen S. Hong/
Supervisory Patent Examiner, Art Unit 2178